

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

SEAN RAYMOND FRAZIER,

Defendant-Appellant.

UNPUBLISHED

January 19, 2012

No. 300984

Wayne Circuit Court

LC No. 10-003021-FJ

Before: GLEICHER, P.J., and CAVANAGH and O'CONNELL, JJ.

PER CURIAM.

Following a bench trial, defendant was convicted of possession of a firearm during the commission of a felony ("felony-firearm"), MCL 750.227b; armed robbery, MCL 750.529; carjacking, MCL 750.529a; and receiving and concealing stolen property, MCL 750.535(7). Defendant appeals by right. We affirm.

Defendant challenges the sufficiency of the evidence on the felony-firearm conviction. He maintains that the trial court's findings with regard to the conviction are logically inconsistent, in that the court found co-defendant Robert Wilson did not know a gun was present, but nonetheless found defendant guilty of aiding and abetting felony-firearm.

We review de novo defendant's challenge to the sufficiency of the evidence. *People v Lueth*, 253 Mich App 670, 680; 660 NW2d 322 (2002). We consider the evidence in the light most favorable to the prosecution to determine if a rational trier of fact could find beyond a reasonable doubt that the prosecution established the essential elements of the crime. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992). Further, this Court will not interfere with the trier of fact's role in determining the weight of the evidence or the credibility of witnesses. *People v Kanaan*, 278 Mich App 594, 619; 751 NW2d 57 (2008). Circumstantial evidence and reasonable inferences can constitute satisfactory proof of a crime. *Id.*

The trial court gave credence to Wilson's statement that Wilson did not know the gun was present "until the time the events actually jumped off." The trial court went on to note that according to defendant's statement, defendant gave Wilson a hoodie to wear on the night in question specifically because the hoodie had big pockets to hold a gun. The court found the evidence sufficient to find that defendant knew there was a gun, that he encouraged the use of the gun, and that he aided another person in carrying the gun during a felony. Thus, the trial court found defendant guilty of felony-firearm under an aiding and abetting theory. Despite any

apparent inconsistency in the court's findings, it is clear that the court was of the opinion that defendant had knowledge of the existence of the gun and of the intention of using it during the crimes.

To prove felony-firearm, the prosecution must show that defendant possessed a firearm during the commission of, or the attempt to commit, a felony. *People v Taylor*, 275 Mich App 177, 179; 737 NW2d 790 (2007). As the Michigan Supreme Court has held, one who does not actually possess a firearm may be convicted of felony-firearm as an aider and abettor, as long as that person aided or abetted another in carrying or having in his possession a firearm while the other committed or attempted to commit a felony. *People v Moore*, 470 Mich 56, 68; 679 NW2d 41 (2004).

In this case, defendant acknowledged giving Wilson a coat with big pockets to accommodate a gun. Although defendant identified Wilson as the one with the gun, all conflicts must be resolved in favor of the prosecution. *People v McGhee*, 268 Mich App 600, 624; 709 NW2d 595 (2005). Defendant's admission to knowingly giving or having given the coat, for the purpose of carrying a gun during the commission of a felony, is sufficient to satisfy the elements of felony-firearm under an aiding and abetting theory. Taken in conjunction with the testimony of the complainants that there were two attackers, as well as the testimony that the armed attacker was wearing a black coat or hoodie, there was sufficient evidence to conclude that there was a gun used during the underlying felonies, and that defendant aided the armed attacker in carrying the gun.

Affirmed.

/s/ Elizabeth L. Gleicher
/s/ Mark J. Cavanagh
/s/ Peter D. O'Connell